

REMARKS

A. 35 U.S.C. § 112 Paragraph 2

The Examiner rejected claim 12 pursuant to § 112 Paragraph 2 as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Applicant has cancelled claim 12, and submits that this rejection is moot.

B. 35 U.S.C. § 102

The Examiner rejected claims 8-9 and 12 are rejected under § 102(b) as anticipated by Spiegelhoff. Applicant has cancelled claims 8, 9 and 12, and submits that this rejection is moot.

C. 35 U.S.C. § 103(a)

1. *Claims 2-3, 13, 16, and 18-19*

The Examiner rejects claims 2-3, 13, 16 and 18-19 as being unpatentable over Spiegelhoff. Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness as required under M.P.E.P. § 706.02(j).

Spiegelhoff discloses an adjustable armrest for a vehicle seat. The Spiegelhoff armrest comprises a ratchet mechanism defining several positions of height-wise adjustment of the armrest. At each height position, the armrest 6 can be moved upwardly to an upper limit of vertical motion, but cannot move in a downward direction. *See* Spiegelhoff, col. 5, ll. 50-63. The ratchet mechanism disclosed provides for a pawl latch 44, which engages the pawl 41 as the armrest carrier 18 nears its upper limit of vertical motion. *Id.*, col. 8, ll. 30-36. Only when the pawl 41 is latched can the armrest carrier 18 drop down from its upper limit of vertical motion to its lower limit of vertical motion.

Id., col. 8, ll. 43-46. As the armrest carrier 19 is raised, successive teeth 43 on the ratchet sector 40 cooperate with the pawl 41 to permit upward movement of the armrest carrier. *Id.*, col. 8, ll. 52-57. No downward movement is permitted, because the pawl is only released from the ratchet sector 40 once it is lifted by the ratchet sector abutment 42 and becomes latched by pawl latch 44.

In contrast, Applicant's invention provides for upward and downward repositioning of the armrest from any starting position, as shown in Figure 4. Referring to Figure 12, where substantially parallel bars 630, 625 both feature ratchet faces for engagement with back support 113, when the terminal end 610 of the armrest 600 is raised, ratchet faces 645, 655 disengage from ratchet teeth 640, 650, and armrest 600 may be raised or lowered. Unlike the ratchet mechanism of Spiegelhoff, nothing in Applicant's mechanism obstructs the movement of the armrest in an upward or downward direction by the user. In operation, once parallel bars 630, 625 are disengaged from back support 113, they may be re-engaged with back support 113 in either direction by simply moving the armrest upward or downward. Spring 34 and piston 690, as shown in Figures 19A and 19B, drive ratchet teeth 640, 650 into complementary ratchet faces 645, 655 to reengage parallel bars 630, 625 with back support 113.

Further, Spiegelhoff discloses parallel linkages 23 pivotably mounted at one end to bracket 10, which is fixed to back support 8, and at the other end, pivotably mounted to armrest carrier 19 with a mechanically driving ratchet mechanism for adjusting the height-wise position of armrest 6. Applicant's invention, however, comprises parallel bars 625, 630 pivotably mounted at one end to armrest 600, and at the other end, movably engaged with back support 113. The vehicle chair of

Spiegelhoff, unlike Applicant's office chair, requires that armrest 6 tilt to a vertical out of the way position for entry and exit of the vehicle seat by a driver. *See Spiegelhoff*, col. 1, ll. 45-51. Without this requirement, Applicant's positioning of adjustment mechanism within back support 113 allows for easier and quicker height-wise adjustment of armrest 600 by the use of the mechanism described in Applicant's specification and claims. Moreover, by locating the mechanism for adjustment within back support 113, Applicant's invention has a clear advantage over Spiegelhoff in that armrest 600 may be of any size and shape.

It would not have been obvious to one of ordinary skill in the art at the time of the invention to modify the armrest of Spiegelhoff to provide easier and quicker height-wise adjustment in both an upward and downward direction with a gentle application of force by the fingertips of a user. Indeed, to adapt the Spiegelhoff invention to adjust height-wise by shifting the mechanism to bracket 10 would eliminate an important feature of Spiegelhoff's invention, vertical tilting to an out of the way position.

Applicant has amended claims 2-3, 13, 16, and 18-19 to recite more clearly that Applicant's armrest may be repositioned in either an upward or downward direction to a desired vertical position of the user. This recitation of mobility should further distinguish the method of the claimed system from those elements found in the prior art devices, which could not accomplish the methods of Applicant's invention as claimed. None of the cited references provide any disclosure of such upward or downward mobility by raising and lowering the distal, i.e., terminal, end of the armrest. Claims 2-3, 13, 16 and 18-19 are not reasonably suggested by the references of record.

2. *Claims 8-10, 12, 14-15 and 17*

The Examiner also rejects claims 8-10, 12, 14-15 and 17 as being unpatentable over Schwartz et al. in view of Spiegelhoff. Applicant has cancelled claims 8-9, and 12. Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness with regard to claims 10, 14-15 and 17 as required under M.P.E.P. § 706.02(j).

Schwartz et al. discloses an office chair C on a rolling base 1 with U-shaped armrest 9, a U-shaped bar with an opening 50 for sliding upward and downward along tower T, as shown in Figure 2. *See* Schwartz, col. 7, ll. 47-54. U-shaped armrest 9 may further include base 58, which accommodates opening 50 and rotatable mounting of armrest portions 56, 57 with a locking means 59. *Id.*, col. 8, ll. Knobs 59 allow a user to position either armrest portions 56, 57 in an upward or downward position. However, as noted by Applicant in its Remarks in response to the October 10, 2006 Office Action, the user cannot change the position of the armrest in Schwartz by a gentle movement raising terminal end 610 of the armrest. As best understood from Figures 12A and 12B, a user of Schwartz's armrest 9 must first loosen knobs 59, then pivot armrest portion 56 or 57 upward or downward to a desired position.

With regard to claims 10 and 17, base 58 of Schwartz is not fixedly mounted to the back of chair 2. In fact, base 58 is designed to slide up and down along tower T, and is not mounted to back support 10 in any way (see, e.g., Figures 2, 12A, and 13A), nor to tower T in a fixed mounting. In contrast, bracket 10 of Spiegelhoff is fixedly mounted to back 8. The heightwise adjustment of Spiegelhoff requires fixed attachment to bracket 10 or to back 8; otherwise, armrest 6 would be

unstable due to pivotable parallel linkages 23. It would not have been obvious to one of ordinary skill in the art at the time of the invention to modify the chair of Schwartz with the parallel arm mechanism as taught by Spiegelhoff because the sliding movement of Schwartz, and, in fact, the entire concept of having a central tower upon which multiple chair components are slidably engaged for optimum height adjustment, teaches away from Applicant's invention.

Moreover, it would be impossible to practice the method of Applicant's invention using the Schwartz device with the parallel linkages of Spiegelhoff. Notably, Schwartz plainly notes that the pivoting action of armrest portions 56, 57 allows for positioning out of the way or into an operative position and locked into place by knobs 59; Schwartz discloses only slidable up and down movement of U-shaped armrest 9 along tower T for adjustment to the optimum height for a given user. Spiegelhoff, on the other hand, discloses an adjustable armrest that eliminates the need for a slidable adjustment mechanism as shown in Schwartz, by providing for easier height-wise adjustment. *See* Schwartz, col. 4, 24-30. Indeed, Spiegelhoff states that vertical motion confined by means of fixed guide means on the seat frame is not a preferable solution to providing effectively comfortable armrests for truck operators, and would not provide quick and easy adjustment without fumbling for a push button, release lever or the like. *See* Spiegelhoff, col. 1, ll. 38-40, 52-61. The Examiner has not provided an explanation as to why one of ordinary skill in the art at the time Applicant's invention was made would have been motivated to modify Schwartz to add parallel linkages pivotally connected to a back support as disclosed in Spiegelhoff.

For all of the forgoing reasons, Applicant asserts that the rejections of record do not rise to the level of a *prima facie* case of obviousness and should be withdrawn.

D. Amendments to the Drawings

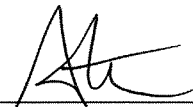
In the attached replacement sheets, Applicant has corrected the reference numbers in Figures 19A and 19B. Although the Examiner did not object to the drawings, Applicant suggests that this amendment clarifies the drawings considerably, and represents that no new matter has been added to the drawings by amendment.

CONCLUSION

Applicant believes that the application is now in a condition for allowance. Applicant respectfully requests that the Examiner reconsider the rejections made in light of the amendments and remarks presented herein, and that the remaining new and pending claims be allowed. The undersigned asks that the Examiner contact her a (225) 248-2124 if he has any questions so that early allowance may be reached.

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Respectfully submitted,



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